



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 7, 1998

Mr. Ron Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-0897

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114244.

The Texas Department of Public Safety (the "department") received a request for the concealed handgun permit application and permit or license status of a named individual. You indicate that individual is licensed and you will provide the requestor with some of the individual's information. You claim, however, that most of the requested application information is confidential by law and protected from disclosure by section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Sections 411.192 and 441.193 govern the release of all information maintained by the department concerning the license to carry a concealed handgun. The statute provides for the confidentiality and the release of certain information. Section 441.192 provides:

The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this article. The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. *Except as otherwise provided by this section and by Section 441.193, all other records maintained under this article are confidential and are not subject to mandatory disclosure under the*

open records law, Chapter 552, Government Code, except that the applicant or license holder may be furnished a copy of such disclosable records on the request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request. This section does not prohibit the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department.

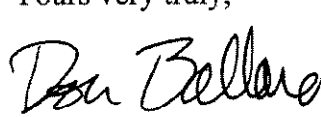
Gov't Code § 411.192 (emphasis added). Section 411.193 further states:

The department shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder.

Gov't Code § 411.193. The statutory provisions here provide that all information maintained pursuant to the concealed handgun statute are confidential and must not be released unless section 411.192 or 411.193 provide for disclosure. The department may only release information maintained under the concealed handgun license statute as provided by sections 411.192 and 441.193. Section 411.192 allows for the release of the name, date of birth, gender, race, and zip code of licensed individuals when the name or full name is provided to the department. You state you have released this information. Thus, the department must withhold the remaining information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, flowing style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 114244

Enclosures: Submitted documents

cc: Mr. Santos Serna, Jr.
Serna & Associates
P.O. Box 291171
San Antonio, Texas 78229
(w/o enclosures)